

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GUY BENJAMIN JAMES,) NO. CV 06-3399-CAS (E)
)
)
) Petitioner,)
)
)
) v.)
)
) ORDER ADOPTING FINDINGS,
)
) CONCLUSIONS AND RECOMMENDATIONS
)
) JOHN MARSHALL, Warden,)
)
) OF UNITED STATES MAGISTRATE JUDGE
)
)
) Respondent.)

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all of the records herein and the attached Report and Recommendation of United States Magistrate Judge. The Court approves and adopts the Magistrate Judge's Report and Recommendation.

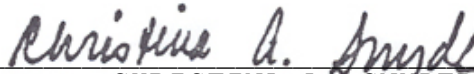
IT IS ORDERED that the Petition is conditionally granted. Respondent shall discharge Petitioner from all adverse consequences of the judgment in Superior Court action No. KA057663, unless Petitioner is brought to retrial within ninety (90) days of the entry of Judgment herein, plus any additional delay authorized under State law.

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1 IT IS FURTHER ORDERED that the Clerk serve copies of this Order,
2 the Magistrate Judge's Report and Recommendation and the Judgment
3 herein by United States mail on Petitioner and counsel for Respondent.
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5 LET JUDGMENT BE ENTERED ACCORDINGLY.
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7 DATED: October 14, 2008
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11 CHRISTINA A. SNYDER
12 UNITED STATES DISTRICT JUDGE
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